HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1623 of 2006

Petitioner		Kuber Charan Pradhan, Aged about 65 years, S/o Late Shri Raj Mohan Pradhan, R/o Village and Post Sariya, Tehsil-Sarangarh, Dist : Raigarh (C.G.)
	Versus	
Respondents	1.	State of Chhattisgarh Through-The Secretary, School Education Department, D.K.S. Bhawan, Raipur, Dist: Raipur-(C.G).
	2.	The Joint Director, School Education Department, Division Bilaspur, Dist : Bilaspur-(C.G.)
	3.	The Joint Director, Accounts Treasury and Pension, Bilaspur-(C.G.)
	4.	The Collector, Dist : Raigarh (C.G.)
	5.	The District Education Officer, Raigarh, Dist : Raigarh-(C.G.)

WRIT PETITON UNDER ARTICLE 226 OF THE CONSTITUTION

SB : Hon'ble Justice Shri Satish K. Agnihotri

Present: Mr. Sanjay Patel, Advocate for the petitioner.
Ms. Sunita Jain, Panel lawyer for the respondents/State.

ORDER

(Passed on this 7th day of May, 2007)

1. Mr. Sanjay Patel, learned counsel appearing for the petitioner as well as Ms. Sunita Jain, learned Panel lawyer appearing for the respondents/State jointly submit that the facts and question of law involved in the present writ petition are the same to that of in W.P. No. 3212 of 2004 (**Vidyadhar Tiwari vs. The State of Chhattisgarh & others**), which has been allowed vide order dated 18.11.2005.

2. In view of the above stated submission made by learned counsel appearing for the parties, the writ petition is allowed in the same terms. The impugned order dated 28.5.2004 (Annexure P/4) is quashed and the respondents are directed to refund the amount, if

any, recovered pursuant to the order dated 28.5.2004 from the petitioner. This order shall not come in the way of the respondents/authorities to take any action, if so advised, against the officer who are responsible for making payments, if any, to the petitioner concerned. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

B/-